

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David Pratt Remsen                      Examiner: Wong, L.  
Serial No.: 10/087,621                      Group Art Unit: 2164  
Filed: March 1, 2002                      Confirmation No: 7946  
Attorney Docket No.: 24443-501 UTIL

Title: **MANAGING TAXONOMIC INFORMATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATON**  
**CONCERNING FILING OF AN INFORMATION DISCLOSURE STATEMENT**

Examiner Wong:

The above-referenced patent application was filed on March 1, 2002. A Final Office Action was mailed on January 22, 2009. Applicants filed a Request for Continued Examination on June 22, 2009. A Supplemental Information Disclosure Statement ("IDS") was filed on July 1, 2009. Copies of the filed IDS and filing documents are enclosed herewith as **Exhibit A**. The July 1, 2009 IDS was submitted using Express Mail (Express Mail Label no. EM266572905US). Along with the July 1, 2009 IDS, Applicants submitted a listing of references A1-A6, as follows:

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date
	A1	6,675,159	01/2004	Lin et al.	707	3	
	A2	6,442,545	08/2002	Feldman et al.	707	6	
	A3	2007/0198536	08/2007	Coutts et al.	707	10	
	A4	2004/0103090	5/2004	Dogi et al.	707	3	
	A5	2002/0194154	12/2002	Levy et al.	707	1	
	A6	2002/0120618	08/2002	Ushijima et al.	707	3	

The Examiner and Applicants' undersigned representative conducted an interview on August 18, 2009, during which various claim amendments were discussed and the Examiner was authorized to amend claims via the Examiner's amendment. On August 28, 2009, the Examiner

mailed a Notice of Allowance allowing claims in the present application. However, the Examiner did not include an Examiner-initialed form PTO-1449 from the July 1, 2009 IDS.

Upon review of the PAIR system at the U.S. Patent and Trademark Office ("USPTO") and a telephone discussion with the Examiner on November 25, 2009, Applicants' undersigned representative discovered that the July 1, 2009 IDS was never entered by the USPTO into the PAIR system.

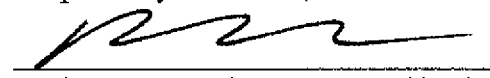
Applicants respectfully submit that the July 1, 2009 IDS was **timely mailed and received** by the USPTO on **July 6, 2009**. **Exhibit B** is a copy of the stamped Express Mail Label No. EM266572905US, which indicates that the July 1, 2009 IDS was deposited with the U.S. Postal Service on July 1, 2009. Further, **Exhibit C** is copy of **the proof of delivery** of the July 1, 2009 IDS to the USPTO. The proof of delivery indicates that on July 6, 2009 at 7:09 AM, Applicants' July 1, 2009 was delivered to the USPTO and the USPTO accepted its delivery, as indicated by the signature of Mary Boston and a stamp "P&T Office, P.O. Box 1450, Alexandria, VA 22313"). The proof of delivery was obtained from the U.S. Postal Service's website ([www.usps.com](http://www.usps.com)).

As such, Applicants' July 1, 2009 IDS was timely filed and should have been considered by the Examiner prior to issuance of the Notice of Allowance. Thus, Applicants respectfully request that the Examiner initial the submitted form PTO-1449 and return it to Applicants' undersigned representative.

Should the Examiner have any questions or need further clarification, the Examiner is invited to contact Applicants' undersigned representative at 212-692-6858. Applicants believe that no fees are due in connection with this submission, however, the Commissioner is authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. **50-0311**, Reference No. **24443-501 UTIL**.

Dated: November 25, 2009

Respectfully submitted,

  
Boris A. Matvenko, Reg. No. 48,165  
Attorney/Agent for Applicants  
c/o MINTZ, LEVIN  
666 Third Avenue-24<sup>th</sup> Floor  
New York, New York 10017  
Telephone: (212) 935-3000  
Telefax: (212) 983-3115

# EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David Pratt Remsen                      Examiner: Wong, L.  
Serial No.: 10/087,621                      Group Art Unit: 2164  
Filed: March 1, 2002                      Confirmation No: 7946  
Attorney Docket No.: 24443-501 UTIL

Title: **MANAGING TAXONOMIC INFORMATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

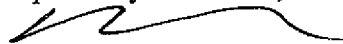
Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages);
2. PTO Form 1449 in duplicate (1 pages);
3. Return Postcard

Although Applicants believe that no additional fees are due in connection with this submission, the Director is authorized to charge any deficiencies due, or to credit any overpayment, to the undersigned's account, Deposit Account No. **50-0311** Ref. No. **24443-501 UTIL** Customer No. **35437**.

Dated: July 1, 2009

Respectfully submitted,



Boris A. Matvenko, Reg. No. 48,165  
Attorney/Agent for Applicants  
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New York, New York 10017  
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Telefax: (212) 983-3115

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	David Pratt Remsen	Examiner:	Wong, L.
Serial No.:	10/087,621	Group Art Unit:	2164
Filed:	March 1, 2002	Confirmation No:	7946
		Attorney Docket No.:	24443-501 UTIL
Title:	<b>MANAGING TAXONOMIC INFORMATION</b>		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the enclosed Modified Form 1449/PTO (submitted in duplicate) in the above-identified application. This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination ("RCE"). Accordingly, no fee or certification is required. 37 C.F.R. § 1.97(b)(4).

The cited references are listed on the attached Form PTO-1449 (submitted in duplicate). Under 37 CFR § 1.98(a)(2), a copy of the above document is enclosed with the Information Disclosure Statement and Form PTO-1449.

By submitting this Information Disclosure Statement, Applicants make no representation that: (1) more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is respectfully requested that this reference be: (1) fully considered by the Patent Office during prosecution of this application; and (2) printed on the face of any patent which may issue on this application. Applicants request that a copy of Form PTO-1449, as considered and initialed by the Examiner, be returned with the next communication to Applicants.

If for any reason the Examiner decides not to allow this application based on this submission, Applicants' undersigned representative respectfully requests a telephonic interview with the Examiner before the issuance of the next Office Action.

An early and favorable action is hereby requested. Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. **50-0311**, Reference No. **24443-501 UTIL**, Customer No. **35437**.

Respectfully submitted,



Dated: July 1, 2009

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Boris A. Matvenko, Reg. No. 48,165  
Attorney/Agent for Applicants  
c/o MINTZ, LEVIN  
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666 Third Avenue-24<sup>th</sup> Floor  
New York, New York 10017  
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PTO/SB (12-97)  
OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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<b>Modified Form 1449/PTO</b>  <b>SUPPLEMENTAL DISCLOSURE DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	Application Number	10/87,621
	Filing Date	March 1, 2002
	First Named Inventor	David P. Remsen
	Group Art Unit/Conf. No.	2164/7946
	Examiner Name	Wong, Leslie
	Attorney Docket Number	24443-501-UTIL

U.S. PATENT DOCUMENTS							
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	A1	6,675,159	01/2004	Lin et al.	707	3	
	A2	6,442,545	08/2002	Feldman et al.	707	6	
	A3	2007/0198536	08/2007	Coutts et al.	707	10	
	A4	2004/0103090	5/2004	Dogi et al.	707	3	
	A5	2002/0194154	12/2002	Levy et al.	707	1	
	A6	2002/0120618	08/2002	Ushijima et al.	707	3	

FOREIGN PATENT DOCUMENTS					
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No

NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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FROM: (PLEASE PRINT) **Boris A. Matvenko, Reg. No. 48,165**  
 PHONE: **212 935 3000**  
**MINTZ LEVIN COHN FERRIS**  
**GLOVSKY & POPEO, PC**  
**666 3RD AVE FL 24**  
**NEW YORK NY 10017-4040**  
**BAM:lm 24443-501 UTIL**

TO: (PLEASE PRINT) **Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

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48/ 500

F:02 T:



Serial No. 10/087621 File No. 24-13-SU-011 By: 3PM:1m  
Title: Managing Taxonomic Information  
Application of: David P. Rasmussen Date: 3/1/09

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

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|---|---|
| <input type="checkbox"/> Req. for CPA under 37 CFR 1.53(d)                    | <input type="checkbox"/> Provisional Application Cover Sheet                |
| <input type="checkbox"/> Change of Attorney's Address                         | <input checked="" type="checkbox"/> Inf. Disc. Statement, PTO Form 1449     |
| <input type="checkbox"/> New Power of Attorney                                | <input type="checkbox"/> Reference Cited                                    |
| <input type="checkbox"/> Patent Application                                   | <input type="checkbox"/> Copy of Notice to File Missing Parts               |
| <input type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional | <input type="checkbox"/> Amendment/Response                                 |
| Incl. _____ pages, ( _____ pgs) Specification,                                | <input type="checkbox"/> Petition for Ext. of Time (x2)                     |
| ( _____ pgs) Abstract, ( _____ pgs) Claims ( _____ # claims)                  | <input type="checkbox"/> Issue Fee Transmittal                              |
| <input type="checkbox"/> Design Patent Application                            | <input type="checkbox"/> Letter to Official Draftsperson                    |
| <input type="checkbox"/> Declaration(s) _____                                 | <input type="checkbox"/> Notice of Appeal                                   |
| <input type="checkbox"/> Drawings _____ sheet(s) (FIGS. _____ - _____)        | <input type="checkbox"/> Brief (x3)   |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal             | <input type="checkbox"/> Check for \$ _____ Check # _____                   |
| <input type="checkbox"/> Verified Statement claiming small entity status      | <input checked="" type="checkbox"/> Transmittal Letter (x2)                 |
| <input type="checkbox"/> Assignment and Cover Sheet                           | <input type="checkbox"/> Cert. of Mailing under 37CFR 1.8(a)                |
| <input type="checkbox"/> Other _____  | <input checked="" type="checkbox"/> Express Mail Label No. <u>264522505</u> |

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# **EXHIBIT B**



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Other Accepted <b>9</b>	Scheduled Date of Delivery <b>5</b>	Return Receipt Fee \$
No. Day Year <b>8/15/02</b>	Month Day <b>8 15</b>	Insurance Fee \$
Time Accepted <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM	COD Fee \$
Flat Rate <input type="checkbox"/> or Weight <input checked="" type="checkbox"/>	Military <input type="checkbox"/> Non- <input checked="" type="checkbox"/>	Total Postage & Fees <b>\$ 11.50</b>
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FROM: **FRANK MATVENKOV Segl. No. 48,165**

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666 3RD AVE FL 24  
NEW YORK NY 10017-4040**

**RAM:lm 24443-501 UTIL**

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No. Day	Time	Signature
Delivery Attempt	Time	Signature
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Delivery Date	Time	Signature
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# **EXHIBIT C**

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### Search Results

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#### Detailed Results:

- Delivered, July 06, 2009, 7:09 am, ALEXANDRIA, VA 22313
- Arrival at Pick-Up-Point, July 02, 2009, 11:36 am, ALEXANDRIA, VA 22313
- Arrival at Unit, July 02, 2009, 11:29 am, DULLES, VA 20102
- Processed through Sort Facility, July 02, 2009, 11:22 am, DULLES, VA 20101
- Processed through Sort Facility, July 02, 2009, 10:06 am, MERRIFIELD, VA 22081
- Processed through Sort Facility, July 01, 2009, 10:23 pm, NEW YORK, NY 10199
- Acceptance, July 01, 2009, 8:52 pm, NEW YORK, NY 10017

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**Matvenko, Boris**

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**To:** Matvenko, Boris  
**Subject:** USPS Proof of Delivery Info for EM26 6572 905U S  
**Attachments:** EM266572905US.pdf

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Label Number: EM26 6572 905U S

Service Type: Express Mail(R)

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If you have additional questions on Track & Confirm services and features or if you have difficulties viewing the attached file, please visit the Frequently Asked Questions (FAQs) section of our Track and Confirm site at <http://www.usps.com/shipping/trackandconfirmfaq.htm> for more information.

Attachment: Proof of Delivery letter (PDF)

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Date: 11/25/2009

Boris Matvenko:

The following is in response to your 11/25/2009 request for delivery information on your Express Mail(R) item number EM26 6572 905U S. The delivery record shows that this item was delivered on 07/06/2009 at 07:09 AM in ALEXANDRIA, VA 22313 to M BOSTON. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section	
<i>Mary Boston</i>	
<i>MARY BOSTON</i>	P & T OFFICE P.O. BOX 1450

Address of Recipient:

<i>MARY BOSTON</i>	P.O. BOX 1450
<i>ALEXANDRIA, VA 22313</i>	Alexandria, VA 22313

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

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